

Nov 09 05 12:05 PM

Krieg Devault

317 238 6371

p.2

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (571) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

08/12/2005

Woodard, Emhardt, Moriarty, McNett & Henry LLP  
Bank One Center/Tower  
Suite 3700  
111 Monument Circle  
Indianapolis, IN 46204-5137

11/10/2005 MBELETE2 00000128 10790329

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Douglas A. Collier (Depositor's name)  
[Signature] (Signature)  
November 9, 2005 (Date)

01 FC:1501	1400.00 DP			
02 FC:1504	APPLICATION NO.	FIL NO.	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
	10790,329	03/01/2004	Kevin T. Foley	4002-3486/PC746.02
				9011

TITLE OF INVENTION: SYSTEMS AND TECHNIQUES FOR RESTORING AND MAINTAINING INTERVERTEBRAL ANATOMY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	11/14/2005
EXAMINER	ART UNIT	CLASS-SUBCLASS			
SWEET, THOMAS	3738	623-017110			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address Form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Krieg DeVault, LLP

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

SDGI Holdings, Inc.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Wilmington, DEPlease check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.  
☒ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 12-2424 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Douglas A. Collier

Date

November 9, 2005

Typed or printed name

Douglas A. Collier

Registration No.

43,556

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

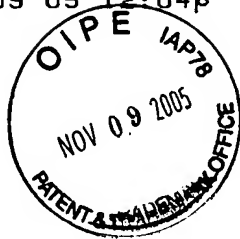
PTOL-85 (Rev. 07/05) Approved for use through 04/30/2007.

OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PAGE 2/3 \* RCVD AT 11/9/2005 12:13:24 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/31 \* DNIS:2732885 \* CSID:317 238 6371 \* DURATION (mm-ss):01-46

11/10/2005 MBELETE2 00000041-122424-10790329  
Sale Ref: 00000127-PAW-122424-10790329  
01 FC:1501  
02 FC:1504



**KRIEG · DEVAULT**  
**ATTORNEYS AT LAW**  
*Solutions, not obstacles<sup>SM</sup>*

**FAX COVER PAGE**

Date: November 9, 2005

Pages (including this page): **3**

To: Mail Stop ISSUE FEE  
U.S. Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

Fax: (571) 273-2885 Phone:

From: Douglas A. Collier

Fax: (317) 636-1507 Phone: (317) 636-4341

Subject: U.S. Patent Application Serial No. 10/790,329 to Kevin T. Foley (Issue Fee Payment)

Comments:

Hard Copy Will Be Sent Via:

- ☐ Regular Mail  
☐ Overnight Courier  
☐ Via Messenger  
☒ Fax Communication Only

Sent By: Cheryl Kalugyer

Client Code: 333 MSDI-22

**WARNING CONFIDENTIALITY NOTICE**

The documents constituting this fax transmittal contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance upon the content of this fax transmittal is strictly prohibited. If you have received this fax transmittal in error, please immediately notify us by telephone at the number below to arrange for return of the original documents to us. Thank you.

For Questions or Problems in Transmission, Please Contact our Fax Operators

Krieg DeVault LLP  
One Indiana Square  
Suite 2800  
Indianapolis, IN 46204  
Telephone-(317) 636-4341  
Fax-(317) 636-1507

Krieg DeVault LLP  
12800 N Meridian Street  
Suite 300  
Carmel, IN 46032  
Telephone-(317) 566-1110  
Fax-(317) 636-1507

Krieg DeVault Galvin LLP  
5231 Hohman Street  
Hammond, IN 46320  
Telephone-(219) 933-0380  
Fax-(219) 933-0471

Krieg DeVault Lundy LLP  
825 Anthony Wayne  
Building  
203 East Berry Street  
Ft. Wayne, IN 46802  
Telephone-(260) 422-1534  
Fax-(260) 423-1590

KD\_IM-655630\_1.DOC